

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

KEITH WILLISTON,

Appellant

v.

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES.

Respondent

DOCKET NUMBER WD77987

DATE: May 26, 2015

Appeal From:

Circuit Court of Cole County, MO
The Honorable Jon Edward Beetem, Judge

Appellate Judges:

Division One
James Edward Welsh, P.J., Thomas H. Newton, and Karen King Mitchell, JJ.

Attorneys:

Keith Williston, Independence, MO

Appellant Acting Pro Se

Attorneys:

Matthew Laudano, Jefferson City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**KEITH WILLISTON, Appellant, v. MISSOURI DEPARTMENT
OF HEALTH AND SENIOR SERVICES, Respondent**

WD77987

Cole County

Before Division One Judges: Welsh, P.J., Newton, and Mitchell, JJ.

When the Administrative Hearing Commission denied the application of A Mother's Love Birthing Center, LLC, for a birthing center license, A Mother's Love filed a petition for judicial review with the Cole County Circuit Court. After the circuit court issued its judgment upholding the AHC's decision, Keith Williston, a minority member of A Mother's Love, filed a motion to intervene in the case. Fifty eight days after the circuit court entered its judgment in the case, the circuit court issued an order denying Williston's motion to intervene. Williston appeals from the circuit court's denial of his motion to intervene and from the circuit court's judgment affirming the AHC's decision to deny A Mother's Love's request for a birthing center license.

Appeal Dismissed

Division One holds:

The circuit court lost jurisdiction over this case 30 days after it entered its judgment. The circuit court, therefore, had no jurisdiction to rule upon Williston's motion to intervene, and any ruling on the motion to intervene is void. Williston cannot appeal from the circuit court's void order. Moreover, no one timely appealed from the circuit court's final judgment in this case. If a notice of appeal is untimely, this court is without jurisdiction and must dismiss the appeal.

Opinion by James Edward Welsh, Presiding Judge

May 26, 2015

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